

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

DANIEL LEE MITCHELL,)
)
Petitioner,)
)
v.) Case No. CIV 22-369-RAW-DES
)
JASON CHENNAULT and)
SARA HILL,¹)
)
Respondents)

OPINION AND ORDER

Petitioner Daniel Lee Mitchell is a pro se pretrial detainee who presently is incarcerated at the Haskell County Jail in Stigler, Oklahoma. (Dkt. 1 at 1; Dkt. 39). On December 8, 2022, he filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the United States District Court for the Northern District of Oklahoma. (Dkt. 1). He was awaiting trial for his case in the District Court of the Cherokee Nation, Case No. CF-2021-1345. *Id.* at 1-2.

On December 15, 2022, the Northern District Court determined that when this petition was filed, Petitioner was incarcerated at the Cherokee County Detention Center in Tahlequah, Oklahoma, in Cherokee County. (Dkt. 4 at 1). Because Cherokee County is located within the Eastern District of Oklahoma, the Northern District found that this action should be transferred to the Eastern District. *Id.* at 3. The case was received by this Court on December 19, 2022. (Dkt. 5).

On February 21, 2023, Petitioner filed a motion to transfer this case back to the Northern District of Oklahoma, because he had been transferred to that district. (Dkt. 13). This Court denied the motion on February 28, 2023. (Dkt. 14).

¹ Both Jason Chennault and Sara Hill allege they are not proper respondents. (Dkt. 17).

On June 15, 2023, Petitioner filed a second motion transfer this case back to the Northern District where he was incarcerated at the time. (Dkt. 34). If the case cannot be transferred to the Northern District, Plaintiff requests, in the alternative, for dismissal of this action without prejudice because of conflicts of interest. *Id.* at 2.

The Court finds this habeas corpus action was properly transferred to the Eastern District of Oklahoma, because Petitioner was incarcerated in this district when he commenced his action. *See* Dkt. 4 at 3. Petitioner's subsequent transfer to another facility in the Northern District did not affect this Court's jurisdiction. Therefore, Petitioner's motion to transfer this action to the Northern District of Oklahoma (Dkt. 34) is denied.

Because Petitioner has requested that this action be dismissed without prejudice if it is not transferred to the Northern District (Dkt. 4 at 2), the Court grants his request and dismisses this action without prejudice.

ACCORDINGLY, Petitioner's second motion to transfer case to the Northern District of Oklahoma is denied, and his alternative motion to dismiss this action without prejudice is granted. *See* Dkt. 34. All remaining pending motions are denied as moot.

IT IS SO ORDERED this 14th day of March 2024.



HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA